
SECTION: CERTIFICATION

SUBJECT: Eligibility Requirements

ITEM: Overview



Policy Local agencies shall certify participants as eligible/ineligible for program benefits based on the following criteria:

1. Category:
 - a. Pregnant (prenatal), breastfeeding, or postpartum women,
 - b. Infants, and
 - c. Children under the age of five.
2. Residence/service population.
3. Income.
4. Indicators of Nutritional Need.

All four criteria must be met and documented for the individual to receive program benefits.

Basis for policy 7 CFR 246.7 (c), (l) and (m)
7 CFR 246.8
All States Memorandum 98-66

Certification without charge Certification shall be performed at no cost to the participant.

Foreign Citizens WIC allows program participation by foreign citizens, including foreign students residing in the United States, provided they meet the program eligibility requirements. Citizenship status cannot be a factor in eligibility determinations.

**Eligibility of
“Lawful
Temporary
Resident
Status” persons**

Assistance received under the Child Nutrition Act of 1966 of which the WIC program is part, is exempt from being considered as financial assistance for purposes of determining a person’s eligibility for initial or continuing status as a legal resident. Since the WIC program provides non-cash benefits, WIC participants are not considered to be recipients of public cash assistance and are therefore not considered public charges under the Immigration Reform and Control Act. This clarification is needed because the Immigration Reform and Control Act of 1986 prohibits persons who are granted “Lawful Temporary Resident Status” (LTRS) from receiving financial assistance during the five year period following their date of attaining legal resident status. This restriction on the receipt of financial assistance also applies to persons who have applied for, but not yet received LTRS. Therefore, receipt of WIC benefits does not have any effect on an individual’s application for immigration or citizenship benefits or result in a determination that an alien is a public charge.

Note: See All States Memorandum 98-66 in Appendix 910-60.

**Non-
discrimination**

The WIC program does not permit discrimination on the basis of race, color, national origin, age, sex, or disability.

**Special
Consideration
for CSFP**

If a local agency operates in a county with a Commodity Supplemental Food Program (CSFP), the local agency shall ask the applicant/participant at each certification if (s)he is enrolled in the CSFP. The local agency shall also check the list of names provided by CSFP to verify that the applicant/participant is not enrolled in that program. If an applicant/participant is found to be in CSFP, the local agency shall adhere to the requirements of WPM Section 280-10 and 280-20.
